

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

MARCUS STEFONE McNEAL, )  
                          )  
Plaintiff,             )  
                          )  
v.                     ) CIVIL ACTION NO.  
                          )  
EXETER FINANCE LLC, ) 2:24cv165-MHT  
                          )  
                          )(WO)  
Defendant.            )

OPINION AND ORDER

Plaintiff filed this lawsuit in a state court asserting claims under federal and state law related to his purchase of a car using a retail installment contract. This case is before the court on the recommendation of the United States Magistrate Judge that the defendant's motion to dismiss be granted in part and denied in part. There are no objections to the recommendation. Upon an independent and de novo review of the record, the court concludes that the recommendation should be adopted.

Accordingly, it is ORDERED as follows:

(1) The recommendation of the United States Magistrate Judge (Doc. 20) is adopted.

(2) The motion to dismiss (Doc. 10) is denied as to plaintiff's claim pursuant to 12 U.S.C. § 86.

(3) The motion to dismiss (Doc. 10) is granted as to plaintiff's claim pursuant to 9 U.S.C. § 402 and his state-law usury claims, and these two claims are dismissed with prejudice.

(4) The motion to dismiss (Doc. 10) is granted as to plaintiff's claim pursuant to Ala. Code 1975 § 7-2-302 for relief from an unconscionable contract, and this claim is dismissed without prejudice to plaintiff to restate this claim in an amended complaint.

It is further ORDERED that this case is referred back to the magistrate judge for further proceedings.

DONE, this the 30th day of September, 2024.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE